

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) MACV.P0004CIP									
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ or sent to USPTO through EFS on: 1/28/2009 Signature <u>/G Suh/ #48187</u> Typed or printed name <u>Gregory D. Suh</u>	Application Number 10/779,953		Filed 2/14/2004								
	First Named Inventor Pedro Freitas										
	Art Unit 2191	Examiner Ted T. Vo									
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%;"><tr><td style="width: 50%; vertical-align: top;"><input type="checkbox"/> applicant/inventor.</td><td style="width: 50%; vertical-align: top;"><u>/G Suh/ #48187</u> _____ Signature</td></tr><tr><td style="vertical-align: top;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="vertical-align: top;"><u>Gregory D. Suh</u> _____ Typed or printed name</td></tr><tr><td style="vertical-align: top;"><input type="checkbox"/> attorney or agent of record. Registration number _____</td><td style="vertical-align: top;"><u>408-881-0140 x104</u> _____ Telephone number</td></tr><tr><td style="vertical-align: top;"><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>48,187</u></td><td style="vertical-align: top;"><u>1/28/2009</u> _____ Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.	<u>/G Suh/ #48187</u> _____ Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<u>Gregory D. Suh</u> _____ Typed or printed name	<input type="checkbox"/> attorney or agent of record. Registration number _____	<u>408-881-0140 x104</u> _____ Telephone number	<input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>48,187</u>	<u>1/28/2009</u> _____ Date
<input type="checkbox"/> applicant/inventor.	<u>/G Suh/ #48187</u> _____ Signature										
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<u>Gregory D. Suh</u> _____ Typed or printed name										
<input type="checkbox"/> attorney or agent of record. Registration number _____	<u>408-881-0140 x104</u> _____ Telephone number										
<input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>48,187</u>	<u>1/28/2009</u> _____ Date										
<input type="checkbox"/> *Total of _____ forms are submitted.											

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office through EFS on January 28, 2009.

/G Suh/ #48,187

Gregory Suh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Pedro Freitas

Serial No.: 10/779,953

Filing Date: 02/14/2004

For: METHODS AND APPARATUS FOR
RENDERING USER INTERFACES AND
DISPLAY INFORMATION ON REMOTE
CLIENT DEVICES

Examiner: Ted T. Vo

Group Art Unit: 2191

REMARKS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed on 11/26/2008, Applicants submit the following remarks:

I. Rejections under 35 U.S.C. 112

In the Final Office Action, the Examiner rejected claims 1, 3-4, 7, 21-27, and 29-31 under 35 U.S.C. 112, first paragraph, as failing to be supported in the specification. In particular, the Examiner indicates that the specification is inconsistent and contradictory. However, as is often the case, there are several different embodiments described in the specification, some embodiments being broad and general, and others being focused on a particular area. In the Final Office Action, various portions of different embodiments are mistakenly being cited in support of the 112 rejection.

In general, the embodiment addressed in the current claims relates to a remote control system having a host computer device, remote control device, and a target device that communicate using a wireless network. The remote control device is remote from the host computer device and the target device and communicates with these devices through the wireless network. The host computer

device operates a user interface program and transmits (using the wireless network) a screen display of the user interface to the remote control device which displays the screen display. The remote control device then remotely controls the target device through the displayed user interface.

On page 2 of the Final Office Action, the Examiner states that “the specification discussed an implement method between a client device (it is not a remote control) and a host device.” However, as used in the specification, a client device may comprise a remote control device in some embodiments, whereby the terms “client device” and “remote control device” may be used interchangeably. In particular, the term “client device” is used generally in several different embodiments and may represent a variety of devices depending on the particular embodiment (e.g., playback device, media player, remote control device, etc.). However, the term “remote control device” is used in the specification in regards to the remote control embodiment of the “client device.” For example, line 20, page 31 through line 15, page 32 of the specification states:

In one embodiment, a two-way remote control device is configured to implement a user interface for a media convergence platform...Using the client device as a two-way remote, the user may proceed to control a target device...

Also, line 20, page 27 through line 3, page 28 of the specification states:

Specifically, a user interface, operating as a remote application, is implemented on a remote controller to control a target device...the remote application (e.g., user interface) runs on a host computer device, and the remote controller, operating as a client device, renders the user interface.

As such, the terms “client device” and “remote control device” may be used interchangeably in some embodiments of the specification. Note that the term “remote control device” has been used in the current claims for its more descriptive nature. Given that the terms “client device” and “remote control device” may be used interchangeably, following below are citations in the specification that provide clear support for each feature of the independent claims.

Independent claim 1 recites a method for implementing a user interface on a remote control device for remotely controlling a target device. The method of claim 1 comprises:

coupling a host computer device, said remote control device, and at least one target device through a wireless network, said remote control device comprising a portable wireless device having a display, the remote control device for remotely controlling said at least one target device through a user interface displayed on said display;

operating an application program on said host computer device, said application program comprising said user interface;

transmitting, using said wireless network, from said host computer device to said remote control device, an identification of at least one scene, said scene defines an abstract

layout for at least one screen display of said user interface;...
generating at least one screen display for said scene based on an interpretation of said scene at said remote control device;
displaying, on said display of said remote control device, said screen display of said user interface;
receiving input, at said remote control device, from a user to initiate at least one operation at said target device;
communicating, using said wireless network, said at least one operation to said target device; and
performing said operation at said target device in response to control from said remote control device, wherein said at least one target device and said remote control device are separate devices, whereby said at least one operation performed at said target device is remotely initiated at said remote control device.

FIG. 2 shows a host computer device (e.g., PVR-media server 210, media manager 280), a remote control device (e.g., remote control 260), and at least one target device (e.g., playback device 240, television 250) coupled through a wireless network (e.g., network 225). Lines 12-16, page 10 of the specification states “Figure 2, the devices (e.g., PVR-media server 210, television 250, remote control 260, media player 240 and media manager 280) are integrated through network 225. Network 225 may comprise any type of network, including wireless networks.” Also, FIG. 2 shows the remote control device and the at least one target device as separate devices (also see lines 4-6, page 30 of the specification which states “a user of home media network 200 (**Figure 2**) may desire to use remote control 260 to control playback device 240”). Also, FIG. 2 shows the remote control 260 as a portable wireless device coupled to a wireless network (e.g., network 225).

Line 16, page 4 through line 7, page 5 of the specification states:

...the client device comprises a portable electronic device that includes a graphical display. The host device operates an application program that implements a user interface that permits a user to control at least one target device...The host device transfers to the client device an identification of at least one scene. In one embodiment, the host and client devices communicate over a wireless network. In general, a scene defines an abstract layout for at least one screen display of the user interface. The client device generates at least one screen display for the scene based on its interpretation of the scene. The client device then displays the screen as an implementation of the user interface. Thereafter, a user initiates, using the client device, an operation to control the target device. In response, the target device performs the operation.

Line 19, page 27 through line 7, page 28 of the specification states:

...the remote controller may be configured...to control any device on the network...user interface, operating as a remote application, is implemented on a remote controller to control a target device...the remote application (e.g., user interface) runs on a host

computer device, and the remote controller, operating as a client device, renders the user interface. As a first “way” of communications, the remote controller, operating as the rendering client, communicates with the remote application to implement the user interface. Then, as a second “way” of communication, the remote controller communicates with the target device to control the target device.

Line 20, page 31 through line 7, page 32 of the specification states:

...a two-way remote control device is configured to implement a user interface...a host computer device, such as a media server (e.g., PVR-media server 210, Figure 2), may run an application program to implement the media convergence platform user interface...The application program may remote the user interface to a client device...Using the client device, the user may control target devices on the network through a rendition of the media convergence platform user interface...

Line 16, page 32 through line 2, page 33 of the specification states:

...host computer device remotes a user interface to a client device to control another target device on the network...PVR-media server 210 remotes the user interface for playback device 240 to remote control 260...an application, which implements a user interface for a remote device, may reside anywhere on the network to control any other device on the network.

As shown in the above citations, the features of claim 1 are clearly supported in the specification and figures. The above citations may also be applied to show support for independent claims 23 and 27. For claim 23, also see lines 3-6, page 31 of the specification which states “...the target device may comprise a compact disc (“CD”) device, a digital video disc (“DVD”) device, a digital music playback device, or any device that provides media services to the network.” Also, lines 6-7, page 32 of the specification states “Using the client device, the user may control target devices on the network through a rendition of the media convergence platform user interface.”

In the Final Office Action, the Examiner also rejected claims 1, 3-4, 7, 21-27, and 29-31 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. In particular, the Examiner indicated that the claims are inconsistent with the specification, and thus the meaning is vague. As discussed above, the claims are fully supported in the specification and thus are not inconsistent with the specification.

II. Rejections under 35 U.S.C. 103

In the Final Office Action, the Examiner rejected claims 1, 3-4, 7, 21-27, and 29-31 under 35 U.S.C. 103(a) as being unpatentable over Dimitrova et al. “Personalizing Video Recorders using

Multimedia Processing and Integration,” ACM 2001 (hereinafter Dimitrova), in view of U.S. Patent No. 6,208,341 (hereinafter Van Ee).

The Examiner cites Figure 3 of Dimitrova as showing a remote control device. However, the only description of the remote control device is found in the first paragraph of page 567 of Dimitrova where it states that “users navigate the interface on a TV screen using a remote control.” Dimitrova discloses nothing else about the functions or operations of the remote control device. As such, Dimitrova does not teach or suggest any of the features recited in the independent claims relating to the interaction between the host computer device and the remote control device. For example, Dimitrova does not teach or suggest transmitting, using said wireless network, from said host computer device to said remote control device, an identification of at least one scene or at least one screen display of said user interface, or displaying, on said display of said remote control device, said screen display of said user interface. The Examiner only cites Figure 5 of Dimitrova (showing a Program Guide screen) and does not cite any description in Dimitrova that discloses these features, and only states that these features are not disclosed in the current specification (*see* paragraphs 3-5 of page 7 of the Final Office Action).

Van Ee relates to a remote control device having a GUI for controlling home theater devices. However, a host computer device is not disclosed or even mentioned in Van Ee. As such, Van Ee does not teach or suggest the features recited in the independent claims relating to the interaction between the host computer device and the remote control device (discussed above). Thus, none of the cited references, alone or in combination, teach or suggest each feature of the independent claims. Based on the foregoing remarks, Applicants request reconsideration of the rejections.

Respectfully submitted,
STATTLER-SUH PC

Dated: 1/28/09

/G Suh/ #48,187

Gregory Suh
Reg. No. 48,187

Stattler-Suh PC
60 South Market Street, Suite 480
San Jose, CA 95113
Phone: (408) 881-0140 ext.104